

1 WHATCOM COUNTY COUNCIL  
2 **Special Committee Of The Whole**

3  
4 June 27, 2000  
5  
6

7 The meeting was called to order at 1:07 p.m. by Council Chair Marlene  
8 Dawson in the Council Committee Room, 311 Grand Avenue, Bellingham,  
9 Washington.

10  
11 Also Present:

12 Dan McShane  
13 Connie Hoag  
14 Barbara Brenner  
15 Sam Crawford  
16 Robert Imhof  
17

Absent:

L. Ward Nelson

18 **SPECIAL PRESENTATION**  
19

20 1. **PRESENTATION OF PHASE II REPORT: IMPLEMENTATION OF THE**  
21 **WHATCOM COUNTY LAW AND JUSTICE PLAN (AB2000-250)**  
22

23 Pete Kremen, County Executive, stated they received the phase II report of  
24 the County Law and Justice planning project. This is the first draft of a  
25 comprehensive countywide plan. They will continue to work on the plan with  
26 county department heads, judges, mayors, citizen representatives, city law  
27 enforcement, and court officials. This report presents recommendations of the  
28 consultants regarding improvements to control jail overcrowding, relieve congestion  
29 in the courts, improve efficiency of the overall system, and make the community a  
30 safer place. Over the last couple of years, the leaders on the County's law and  
31 justice system have been working with the consultants, Dr. Alvin Cohn and Stuart  
32 Readio to analyze the existing system, including police, jails, and courts.  
33 Meanwhile, as practical ideas have come up, department heads are already moving  
34 ahead to implement some of the recommendations that are within the existing  
35 budget authority and make good sense. He expressed his appreciation to the  
36 County Council for directing the administration to proceed with developing this plan.  
37 He also thanked the mayors, police chiefs, community members, department  
38 officials, and agency staffers who have contributed time and wisdom as members of  
39 the project steering committee. Many of these individuals will continue to work on  
40 the plan as members of the Law and Justice Council. They understand the need  
41 and they are committed to work toward a better future for the community. He  
42 recognized Sheriff Dale Brandland for his leadership and vision. He also recognized  
43 the consultants, Dr. Cohn and Mr. Readio, for their expert work on the plan, and  
44 the Northwest Regional Council (NWRC) for its efficient management and  
45 organizational support for the project.  
46

47 Dewey Desler, Deputy Administrator, stated the Council and Executive  
48 embarked on a strategic planning process to address the law and justice issues for  
49 the county. They chose the NWRC to help organize a series of consultants to

1 address key goals. The County and many of the key leaders in the County went  
2 through a very active request for proposal (RFP) process. They received a number  
3 of proposals from firms across the country. After a fair amount of deliberation,  
4 they selected the firm headed up by Dr. Alvin Cohn, assisted by Stuart Readio.  
5 They brought in a group of consultants to work on this issue over the following  
6 months.

7  
8 There are certain key goals that the County charged this project with. The  
9 goals were to:

- 10 • prepare a comprehensive strategic, countywide criminal justice plan;
- 11 • identify and maximize the County, cities, and State of Washington  
12 resources that are directed at the facilities, equipment, personnel, and  
13 computer system to reduce the duplication of services and to share  
14 resources among local governments in order to effectively address crime  
15 and delinquency throughout Whatcom County;
- 16 • investigate national public sector and private sector criminal justice  
17 administration models and best practices;
- 18 • identify and outline law enforcement and judicial programs that would  
19 lead to the most effective and efficient administration of justice;
- 20 • identify and outline correctional programs for adults and for juveniles in  
21 order to create a continuum of services and sanctions;
- 22 • collect and present accurate and timely information for County Council,  
23 County Executive, and city governments' review in developing future  
24 budgets and law and justice system plans;
- 25 • develop appropriate lengths with city governments and with all law and  
26 justice agencies operating in the county so that the plan would represent  
27 the consensus of their opinion to the greatest degree possible;
- 28 • develop responses in the law and justice system that will assist all of the  
29 law and criminal justice entities to reduce the incidences of crime and  
30 delinquency more efficiently.

31  
32 The NWRC was retained to act as project manager and to assist the  
33 consultants in carrying out their duties and responsibilities. A report was issued  
34 last December and was issued to the County Council. It outlined the findings and  
35 initial recommendations. There have been a series of drafts that the consultants  
36 and the law and justice steering committee have been working on over the past few  
37 months. Today, they are going over that particular plan and report.

38  
39 He wants to focus on four key recommendations that Executive Kremen  
40 recommended, the Law and Justice Council recommended, and that are part of the  
41 Executive summary. They constitute some of the next steps that the County  
42 should consider taking.

43  
44 The first key recommendation is to reauthorize the Law and Justice Council  
45 by formal resolution. The Council Finance Committee reviewed that earlier in the  
46 day. It would appoint approximately 50 members to the Council, a majority of  
47 whom are citizens, to work on the various elements of the implementation of this  
48 plan over the coming months and years.

1  
2 The second key recommendation is to provide some staff support to that  
3 particular Law and Justice Council. The Executive and the Law and Justice Council  
4 propose to extend the contract with the NWRC to provide that staff support in the  
5 coming months.  
6

7 The third key recommendation is to initiate the implementation of a  
8 computerized management information system (MIS) for all law and justice  
9 agencies in the county. This provides the most significant savings in efficiencies  
10 and effectiveness in the system, based on the recommendations the consultants  
11 provided to the County. It is the administration's intention to come forward with a  
12 fairly detailed business plan on how they are going to get to this integrated system.  
13 Oftentimes, the implementation of justice involves the collection, processing, and  
14 distribution of a great deal of information. The steering committee identified a  
15 series of improvements that can be made with regard to those information systems.  
16 A key element of this is to begin to integrate the systems so they can talk to each  
17 other and so that they have good solid information about what is going on in the  
18 system. When they make adjustments and changes, they can be measured. At an  
19 operational level, it would give judges, probation staff, law enforcement officers,  
20 jailers, public defenders, and prosecutors all the detailed information they need to  
21 appropriately carry out the administration of justice.  
22

23 The fourth key recommendation has been discussed before. The  
24 recommendation is to initiate a master facilities planning process that includes the  
25 planning and design for a new medium or minimum security jail facility. It is the  
26 administration's intention to begin broadly and look at where County government,  
27 specifically law and justice programs, is going over the next ten to fifteen years.  
28 They will address the future space needs as a result of the changes the  
29 administration is proposing and the Council will act upon in the coming months.  
30 Out of that would be a more deliberate process around a minimum and medium  
31 security facility.  
32

33 The administration proposes to bring forward specific project details on the  
34 next steps of the latter two recommendations, the MIS and the facility planning  
35 process. The administration will seek the active involvement of the Law and Justice  
36 Council in that effort. They need to become fully formed and operational. They  
37 need to do some more planning around some of the steps. Then, the  
38 administration will come forward with specific recommendations on the active  
39 efforts that are involved in that. The administration is pleased with the work of the  
40 Law and Justice Council. It has been very deliberate and active. About 40 people  
41 have been meeting monthly over the last two years. They have broken themselves  
42 into six or seven different committees that have been focused on these issues.  
43

44 He discussed the key components of the report, which include:

- 45 • a letter from the County Executive;
- 46 • an Executive Summary that discusses the current conditions, issues of
- 47 maintaining the status quo, the desired system, the cost and benefits of
- 48 making reforms, and a description of how to get where they belong;

- the steering committee vision statement;
- a summary of the high priority and lower priority recommendations and their estimated costs;
- table of contents;
- a series of 39 key recommendations that include many of the things he's already mentioned.

The way this program has been crafted, they requested a commentary, a description of the implementation issues, the appropriate timetable, the projected staffing costs, the measurable standards, a brief description of a management plan, and how they intend to evaluate whether or not they have succeeded in implementing each issue.

He re-emphasized the administration's desire to move forward with this effort. They would like the County Council to support the Law and Justice Council and the appropriate staff support by the NWRC. With the County Council's concurrence, the administration will bring forward a business plan for a computerized information system and the appropriate approach and next steps for master facilities planning, including planning for a jail facility. The administration wants to complement the Law and Justice Steering Committee. They worked very hard and provided local knowledge, insight, and expertise. They have had active involvement from all the mayors in Whatcom County, the judges, police chiefs, dozens of community members, tribal representatives, the treatment community, and many other citizen and lay representatives. With the County Council's support, they can maintain the momentum that is under way, can continue the efforts to coordinate and improve the system, and reach the needed improvements associated with the implementation of this plan. That is the summary. He introduced Dr. Gibb, steering committee member, and Manca Valum.

Kremen stated the administration was determined to get the public involved and to participate in this process. Two members of the public are present and have been involved. The administration is very emphatic about having public participation in the process.

Dr. Robert Gibb, M.D., Steering Committee Citizen Representative, stated the County Sheriff asked him to serve on the steering committee. His family is from this area. He provided his background in forensic medicine and pathology. He came to this program with many biases because he thought he knew the system. He actually knew very little about it, and from a very specific point of view. Getting involved with the social agencies that are trying to deal with multiple social problems was a real eye-opener. There has truly been a technological revolution in law enforcement. At the same time, the legal system has gone through a major change in terms of the demands and the emphasis that is time-consuming and requires much paperwork. This has resulted in a major work overload in law enforcement and the justice systems. That is what they are confronting today. For example, juvenile detention is one of the best-kept secrets in town. The jail itself is totally overloaded. They incarcerate 50 percent more than what the facility was built to accommodate. As a result, the kinds of things that are supposed to be

1 done in these kinds of detention centers are almost impossible to do. The two  
2 types of facilities, juvenile detention and the jail, are handled differently. Juvenile  
3 detention refuses to take people in at higher numbers. That means they have to  
4 delay entry or do early release. The jail overloads to a point they can't do any  
5 management or treatment. As a result, they have an ongoing problem. They do  
6 this at great risk to the community, for the youth, the seniors, the handicapped,  
7 and women. So far, they've been lucky.

8  
9 The group has held many meetings. There have been steering committee,  
10 sub-committee, and task force meetings. Their extensive reports have been  
11 subject to comments, criticisms, and revisions. As a result of all of this, they've  
12 come up with a vision. He introduced Manca Valum, who would discuss this vision.

13  
14 Manca Valum, Steering Committee Citizen Representative, thanked Dr. Gibb  
15 for the history he brings to this project. She echoed what has been said about  
16 citizen involvement. If it were not for the participation of folks like Dr. Gibb and  
17 others, they would have an example of a bureaucracy trying to fix itself. That is  
18 not what this project has been. She was invited to participate 18 months ago. By  
19 getting involved, she found there was a rich potential in the system to do far more  
20 than simply incarcerate prisoners. As a group, they spent 18 months examining  
21 the current state of affairs, looking at the situation, and deciding where they want  
22 to go from here. The group finally coalesced on a vision a month and a half ago,  
23 that incorporates where the county is today with where the county wants to go.  
24 She shared the vision for Whatcom County from the Law and Justice Council.

25  
26 Most people are in the room because they care about the community and  
27 because they are working to preserve what it is that they care about. They would  
28 sometimes disagree about what makes Whatcom County the kind of place where  
29 they want to live. They may also disagree on how to preserve what it is that they  
30 love about this community. They would all agree there is something special about  
31 Whatcom County and that it is worth preserving. That is essentially what they  
32 concluded when working on the Law and Justice Council. Toward the end of the  
33 process of examining the system, the steering committee realized it reached the  
34 place where it created a vision. The plan is the road map for getting to the goal of  
35 the vision.

36  
37 Whatcom County is the kind of place that people recognize is filled with  
38 natural and cultural beauty. For the most part, people think of Whatcom County as  
39 a healthy place. It has a reputation of being one of the best places in the United  
40 States. For the most part, Whatcom County is a healthy and safe place.

41  
42 They also recognize that change is happening. Because of the kind of place  
43 they live, they've had a tremendous amount of growth. Most come with a vision of  
44 hope and a belief that life will be better here. That is what brings them. The  
45 growth has placed huge demands on the community's infrastructure. The changes  
46 created an infrastructure that is groaning under the strain. In particular, growth  
47 and change have put an immense amount of strain on the civil and criminal justice  
48 system, which is the system upon which all the citizens rely to protect the lifestyle

1 that they enjoy. Currently, the civil and criminal justice system is overloaded.  
2 Both criminal and civil actions are bogged down in a system so overloaded that  
3 sometimes offenders wait months to be held accountable or to be processed. As a  
4 result, they are sometimes never held accountable with the un-served warrants.  
5 Citizens' civil disputes languish for months, waiting to be resolved because the  
6 criminal side of the system is so overloaded. It is not just criminals and their  
7 victims that are suffering in the system. Overall, there is generally a lack of  
8 integration and coordination in the system as a whole. They are not talking about  
9 just the law and justice system of the Sheriff's Office or the County court system.  
10 They are talking about all of the systems that interact and connect in Whatcom  
11 County, including the municipalities. This lack of integration and coordination is a  
12 critical problem for them.

13  
14 The problem statement is the overloaded system with lots of delays that are  
15 causing problems with the criminal and civil side. There is generally a lack of  
16 integration and coordination. There is not a lack of desire, only a lack of structural  
17 integration and coordination.

18  
19 *(Clerk's Note: Nelson arrived at 1:35 p.m.)*  
20

21 Through working on the comprehensive planning process and doing the  
22 investigation and examining that they've done, they've identified some key  
23 outcomes. The key outcomes represent their vision. The Law and Justice Council  
24 determined that the conditions as they are now threaten the quality of life that they  
25 all treasure. They don't want that to happen. They've identified the outcomes they  
26 believe will be a result of enacting this plan. Those outcomes are:

- 27 • Justice will be accessible, efficient, and cost-effective as a result of  
28 implementing this plan.
- 29 • Criminals will be held accountable and there will be appropriate and  
30 effective sanctions. Different types of sanctions are needed for different  
31 types of crime.
- 32 • The community will be safe for everyone.
- 33 • Individuals, seniors, families, children, and businesses thrive and reach  
34 their potential.
- 35 • All parties are treated with respect and dignity, including victims and  
36 offenders.

37  
38 To get there, they've created a roadmap for tomorrow. The roadmap is the  
39 Law and Justice Plan for Whatcom County. To move forward on the roadmap,  
40 they've determined that now is the time for commitment. They need to engage in  
41 the plan, stand behind the plan, and ensure that they take appropriate action so  
42 the plan can move forward. They all need to be committed to this work and to take  
43 the appropriate action down the road. The vision is laid out in the plan. The  
44 Executive Summary does an excellent job of synthesizing that vision. Let the  
45 journey begin. Two critical issues are:

- 46 • The management information system, so all the components in the  
47 system have access to current, up-to-date information about victims and  
48 offenders, and

- The facilities planning process that will allow them to address the more important issue of developing alternative and appropriate sanctions for offenders who have no reason to become hardened criminals and can become productive participants in society.

Stuart Readio, consultant, expanded on Desler's comments regarding the four recommendations.

The first recommendation dealt with the re-invigoration of the Law and Justice Council. It is the central, fundamental element in the ongoing strategic planning process that he and Dr. Cohn initiated under the auspices of the law and justice committee. The report goes into depth on the different changes made to the composition of the council and the expansion of the membership to include additional members of the public. It talks about the sub-committee formulations. It provides a good picture of what they recommend happening. This particular entity will be one of the major driving forces of anything that gets done subsequently in Whatcom County to improve the justice system.

One element the Council needs to consider is the sufficient logistical support so it can function. That would require providing ongoing staffing to the Law and Justice Council. They originally recommended that an individual be hired and placed in the County Executive's office to provide that staff to the Law and Justice Council. Subsequently, they noted other options, such as continued funding to the NWRC to provide assistance to the council. They are amenable to any of those options, as long as the County Council recognizes the need to staff the Law and Justice Council to keep it a vigorous entity.

Another fundamental element that will contribute to the ultimate success will be the development of an integrated management information system that deals with justice issues. When they did the original research, it was difficult to locate and aggregate reliable information upon which to base findings and subsequent recommendations. They would like to alleviate that situation as rapidly as possible so that information can flow between different entities in the justice system more readily and float to the County Council for its own decision-making process. With these two elements in support of the Law and Justice Council, they will have a hope of continuing the strategic planning process that they helped begin over 18 months ago.

Of utmost importance is the recognition that there are sanctions and services that are either missing or exist but may need to be enhanced to make the system work more efficiently and effectively. One of the first recommendations is a direct response from the examination of data on persons being booked into the County jail, and the large numbers of failures to appear and contempt of court cases. It is the need for supervision for people who are released prior to the disposition of their case. Ninety percent of the people booked into the Whatcom County jail are eventually released prior to disposition. The vast majority of those people receive no formal supervision whatsoever. Many are incapable of remembering a court date, as well as maintaining a job or getting up in the morning. A sizeable portion

1 of jail admission clogging and lengths of stay can be alleviated by providing some  
2 form of clerical supervision of persons who are released prior to the disposition of  
3 their cases. It could have a profound impact on a future, secure jail space in the  
4 future.

5  
6 Hoag questioned the meaning of the term 'clerical supervision.' Readio  
7 stated clerical supervision could be as simple as a having a clerk with the list of  
8 persons who have been released and their upcoming court dates. The clerical  
9 person could, immediately prior to the required appearance in court, notify the  
10 person that he or she is due in court in the next 12 to 24 hours. It is an initiative  
11 that has been tried elsewhere in the United States, including sites this size, and has  
12 been very effective in reminding people of their obligation. Many of the people fail  
13 to appear because they are incapable of remembering to keep their appointments.  
14 A sizeable portion of the population that fails to appear for court hearings in  
15 Whatcom County falls in to that category. It doesn't suggest that there are not  
16 others who need a more active supervision. Individuals could be released with  
17 conditions to begin some form of substance abuse treatment or other conditions  
18 that could facilitate them being in the community. They are contemplating a pre-  
19 trial supervision program that provides a range of supervision services based upon  
20 an objective evaluation of the likelihood of that person's reappearance in court.  
21 That can range from clerical notification to electronic home detention for the most  
22 serious of cases.

23  
24 Brenner questioned how many of these people have phones, if they don't  
25 have jobs or any visible means of support. Readio stated most have access to  
26 telephones. If that is the case, there are other ways to move them up on the  
27 continuum so a person can visit the offender and physically remind them of the  
28 requirement to show up in court. It is continuous sanctions based upon the  
29 likelihood of the individual appearing in court and their dangerousness in public.  
30 The resources the defendant may have will help shape where they fall on that  
31 continuum. The systems that they contemplate are flexible in terms of being able  
32 to adjust practices to meet the needs of public safety and the individual.

33  
34 They've noted that there are quite a few different programs available in  
35 Whatcom County, between doing nothing and incarceration. Whatcom County has  
36 an electronic home detention program, a very visible work crew program, a day  
37 offender program, probation services, and a number of different intermediate  
38 sanctions that can be used to control and supervise offenders in the community, in  
39 lieu of incarceration. Rather than develop any new in initiatives, they might  
40 consider expanding the existing initiatives that have proven to be acceptable to the  
41 judiciary and have high effectiveness rates in terms of low program failures. They  
42 have a positive impact on crowding and the existing jail facilities. They suggest  
43 that, rather than new interventions, they should consider providing resources to  
44 expand the existing, successful initiatives.

45  
46 The Juvenile Services Department is going through a major transition from a  
47 traditional organizational to one that is oriented toward balanced and restorative  
48 justice. That is the cutting edge of philosophies for juvenile court and juvenile



1 justice departments throughout the United States. They should be pleased that  
2 transformation is occurring. Any of the expanded sanctions they've suggested  
3 should also be applied to the juvenile justice arena. There is a national trend where  
4 juvenile proceedings have become more adult-like. That is one reason they should  
5 extend the graded continuum of sanctions to the offenders going through the  
6 juvenile justice system, as well as the adult system. They would be the same types  
7 of initiatives he described for the adult system.

8  
9 They were able to look at workloads for system staffing.

10  
11 *(Clerk's Note: End of tape one, side A.)*  
12

13 Readio continued to stated that the workloads were examined for the  
14 functional components for the juvenile justice and adult justice systems in Whatcom  
15 County. They are examined in light of either national norms or national standards  
16 for the types and sizes of staffs that should be available to accommodate similar  
17 workloads. They found that, with few exceptions, the majority of the justice  
18 departments are grotesquely understaffed. There may have been a history of  
19 benign neglect in terms of providing additional staff. They've decided it would be  
20 advantageous to raise staffing levels at least to national norms, if not to national  
21 standards, when processing criminal defendants.

22  
23 Management information systems (MIS) is a major infrastructure repair to  
24 the way business is transacted in the justice system in Whatcom County. In 1986,  
25 the Department of Justice noted that they are going to continue to make the same  
26 mistakes unless they improve the justice resource management. Those mistakes  
27 include releasing people inappropriately, incarcerating people inappropriately, and  
28 numerous others. This is one of the major recommendations that will create a  
29 fundamental change in how business is transacted in Whatcom County. It should  
30 probably provide unique productivity enhancement to how business is conducted in  
31 the justice system in Whatcom County.

32  
33 Regarding the specific components of the MIS, there is an MIS committee  
34 that is doing different things. They would like to go into the private sector and  
35 extract personnel who are in similar positions and ask them if they would  
36 participate on the County MIS committee. Oftentimes, these people bring skills and  
37 innovations that are lacking in government. Every functional component in the  
38 justice system now has its own management information system. Their ability to  
39 communicate, share information, and reduce duplication is minimal. One of the  
40 major goals is to reduce the duplication and build a system, rather than maintain a  
41 number of disparate systems.

42  
43 There is a major section in the report on data integration. When a person  
44 enters a justice system at a major entry point, that begins the process of collecting  
45 and distributing information to all active participants in the justice system. It  
46 reduces the duplication of data entry, improves the accuracy of information, and  
47 improves the timelines of the decision-making based upon that information. It is a  
48 fundamental dimension of reformation of information systems in the justice

1 systems in Whatcom County. Though they are in the process of making changes to  
2 the different component areas in the justice system in Whatcom County, there are  
3 a number of external users, such as the state judicial system, the state Department  
4 of Corrections, the Washington State Patrol, and others who collect and maintain  
5 information that would be very valuable for justice practitioners in Whatcom County  
6 to have access to. One of the plans is to bring in the external agencies so they  
7 have not only a local area network of justice practitioners, but that they include the  
8 justice system players who are external to the Whatcom County system.

9  
10 Regarding hiring justice dedicated information services staff, the number of  
11 ad hoc requests to the improvements to the justice systems that are currently  
12 available are numerous. There is no staffing currently available to do that. The  
13 system is large enough and expensive enough to have staff that do nothing but  
14 respond to special issues associated with juvenile and adult justice services.

15  
16 Those are the major infrastructure improvements associated with information  
17 resource management that is fundamental to creating a justice system that will be  
18 responsive to their needs well into the future.

19  
20 Regarding decision support, they are all very concerned with making sure  
21 they can monitor how the system is functioning. A decision support system is going  
22 to collect aggregate information on a monthly basis from every justice system in  
23 Whatcom County. It will put the information into a graphical format, distribute it to  
24 anyone interested in seeing how the system is performing. It allows the County to  
25 proactively plan, budget, and evaluate the impacts of the changes to policies and  
26 procedures. The County should allow them to determine, on a routine basis,  
27 whether they are achieving the intended consequences and be able to readily  
28 change the perspective, drop unsuccessful initiatives, and develop new initiatives to  
29 respond to challenges they may see in the future. It is a widely based information  
30 system providing aggregate, useful information to key decision-makers.

31  
32 Regarding the central intake unit, one of the things they talked about was  
33 having to remodel the existing County jail. Central to remodeling it is to assume  
34 that everyone who comes into custody in Whatcom County will go through that  
35 correctional facility, irrespective of whether or not other facilities are available. In  
36 the central intake unit in the existing correctional facility, they want to begin the  
37 data collection process by conducting comprehensive substance abuse assessment  
38 to determine indigency levels, conduct mental health screenings, and conduct  
39 classification studies so they can begin the decision-making process to move people  
40 through the justice system as expeditiously as possible. This would be the place  
41 where the information first gets collected and distributed to all the decision-makers  
42 in the justice system. It would take a modest amount of remodeling in the current  
43 jail to do that. They would have to revise the management information system to  
44 allow this to occur. It creates a single focal point where information begins to  
45 generate on those people who are routinely processed. Having done the data  
46 collection to produce the strategic plan, he knows there is no single source for  
47 information. This would alleviate that condition. It would generally improve  
48 decision-making.

1  
2 They've also suggested that the Sheriff conduct a technology review of  
3 different initiatives for which he would seek outside funding. There are a number of  
4 different federal agencies who are happy to provide funds for technological  
5 enhancements to the Sheriff's Office. They recommend that the Sheriff produce a  
6 plan that outlines how he contemplates changing the technology in his office and  
7 where he might secure funds for that.

8  
9 Without a good information system, there is no way to keep track of the  
10 numerous other issues that are continuously plaguing Whatcom County's justice  
11 system. They can't provide definitive information on the number of domestic  
12 violence offenders who go through the system and how successful the system is in  
13 changing their behaviors. They can't say if people who are placed on probation and  
14 sent to substance abuse treatment and complete their term go back to their earlier  
15 ways. They have a difficult time saying if incarceration for excessive amounts of  
16 time changes long-term behaviors. They have no recidivism information. They  
17 can't say definitively what the characteristics are of a person who fails to appear in  
18 court. That is all because they don't have adequate information to do that sort of  
19 researching. Everything is ad hoc and very time-consuming. He suggested that  
20 building this information infrastructure would allow them to routinely produce  
21 information on topics that seem to create the problems that brought them to the  
22 table to begin with.

23  
24 If they fund these initiatives, they are going to need additional space to get  
25 the job done. If they add probation staff, they are going to have to find a place to  
26 house a probation staff. Most of the issues boil down to whether there is adequate  
27 space to conduct business and adjust the system the way they should like to do it.  
28 To do it in a coordinated fashion, they should like to have a full study of what the  
29 space needs are now and what they will be should they go ahead with some of the  
30 initiatives they suggested. The alternative would be to piecemeal additional space  
31 together from initiative to initiative. It would produce more of a cost-savings to do  
32 it in a coordinated way. In addition, it would prepare Whatcom County for the  
33 future, and that is what they are talking about, the future of justice in Whatcom  
34 County.

35  
36 Regarding remodeling the existing jail, they would like to return the existing  
37 jail to its original design capacity and management philosophy. The jail was  
38 designed for 148 individuals, not 248 individuals. The jail's effective life is going to  
39 be reduced by half, at a minimum, should they continue to crowd that many people  
40 in there. It is a maximum-security jail facility. Unlike a minimum-security jail  
41 facility, the costs of replacing a bed in one of those facilities is exorbitant. They  
42 suggest, in keeping with the revision to jail physical plant standards promulgated  
43 by the Sheriff's and Chief's Association, returning the existing jail facility to its  
44 original design capacity. Utilize the existing facility as the entry point for people  
45 entering the justice system through the central intake unit and to also house the  
46 maximum-security prisoners. The maximum-security prisoners are the types of  
47 people who don't fall into the rest of the continuum of sanctions for community-

1 based supervision and probably aren't good candidates for any minimum or  
2 medium security facilities due to their risk.

3  
4 The forecast suggested that, given the population growth in Whatcom  
5 County, they need additional secure adult jail bed space. The examination of the  
6 characteristics of the people now housed in the jail suggest there is a large pool of  
7 that inmate population now who don't need maximum security bed space. They  
8 can be afforded a less secure bed in an alternative site with a treatment and  
9 community-based supervision orientation. The forecast suggested an additional  
10 250 beds by the year 2015. They need a facility where they can segregate the  
11 dangerous in the maximum-security jail in Bellingham from the less dangerous  
12 population. Right now, they are unfortunately being mixed together in a  
13 maximum-security prison-like facility.

14  
15 Brenner stated she thought they were talking about an alternative site for  
16 non-violent criminals. Readio stated the reason a person is booked into custody is  
17 the worst indicator of how dangerous an individual is. The central intake unit will  
18 provide a psychological assessment of who is truly dangerous and who isn't truly  
19 dangerous. If a person is going to be incarcerated, he would not waste an  
20 expensive, even minimum-security bed on someone who wasn't dangerous.  
21 Anyone going through the justice system who is not dangerous would be placed on  
22 probation, put on pre-trial supervision, assigned to treatment, or be given  
23 electronic home detention. He would expand those options for the non-dangerous  
24 types through community-based programs. Anyone who goes to a facility based  
25 upon the level of dangerousness is either going to arrive in the minimum-security  
26 facility or in the maximum-security facility because of their high danger level.

27  
28 Hoag asked about doing a psychological evaluation on each person that  
29 comes in the door. Readio stated it would be brief. He has tools that are excellent  
30 for doing that. One instrument was developed by a colleague that will provide a  
31 screen on the mental health function and five or six other dimensions, including  
32 substance abuse, of an individual. They would like to have that part of the central  
33 intake unit begin distributing that information to other practitioners in the system,  
34 and to use it to make decisions about how best to move the person to the least  
35 restrictive custody. It is going to work very well. They have some specialized  
36 populations that march through the jail in Whatcom County. It is late in their  
37 adjudication that this information is developed. If it was available at an earlier  
38 stage, they could begin their less restrictive intervention earlier on and come up  
39 with more appropriate dispositions given the presenting problem of that person.

40  
41 Brenner asked for Mr. Readio's definition of danger. Readio stated one who  
42 is dangerous has a history of violence with a likelihood of subsequent violence; an  
43 escape risk; a person with no ties to the community and with no job or family.

44  
45 Brenner stated a definition of danger include the possibility of taking off in  
46 addition to the danger of hurting someone else. Readio stated that is correct.

1           Readio continued to state that the juvenile detention facility is getting close  
2 to the same condition as the adult jail. It is a maximum-security facility. It is very  
3 secure. The state can use it to house sentenced felons if it should like. Now, there  
4 is a wide range of kids who are going through there because there is no place else  
5 to put them. There are no good options in the juvenile justice system. They've  
6 already suggested beefing up those options. At the same time, the daily  
7 populations of the juvenile detention facility are being exceeded on a daily basis.  
8 They are contemplating going ahead with a planning process that will result in a  
9 multi-purpose, work/school/treatment oriented facility for less serious and  
10 dangerous juvenile offenders.

11  
12           They've come quite a ways in determining what the programming would be.  
13 There are some national models that Whatcom County should contemplate. The  
14 community assessment center is a one-stop shopping place where any service for  
15 any behavior can be available to intervene with kids who need some form of  
16 supervision, though not probably court supervision or secured detention. They  
17 want to move ahead with that particular process.

18  
19           Space relocation is covered under the master facilities plan. Whenever they  
20 more fully develop any of the suggestions, they want to include as a component of  
21 that an analysis of where additional staff might go, where additional functions  
22 might show up, and what space requirements are needed in order to get that kind  
23 of a job done. Any of the proposals that will come before the County Council,  
24 including the one on the data integration project, will have that sort of analysis built  
25 in so they won't ask how to physically accommodate any of the initiatives.

26  
27           Hoag stated they used to discuss building a minimum-security facility, and  
28 now they are discussing a medium-security facility. She asked the makeup of the  
29 current jail population now. They have always understood that there are enough  
30 facilities to house maximum and medium offenders, but not enough to house  
31 minimum populations. Readio stated the last analysis was based on a sample of  
32 4,000 people booked through the jail. He classified everyone to determine which  
33 security classification he or she would fall into. His goal was to get to the original  
34 design capacity of 148. He had to include medium-security prisoners and the  
35 population he would move to alternative programs to get to that number. Medium-  
36 security includes those who are higher on the list in terms of risk to the public and  
37 themselves. They would have to be moved to more secure facilities, but would not  
38 need a maximum-security setting.

39  
40           Hoag questioned the types of crimes fall under medium security. Readio  
41 stated it is not about the crime committed. It's about the profile of the person,  
42 such as criminal sophistication, age, ties to the community, and employment  
43 opportunities.

44  
45           Hoag stated she was concerned about that. If the profile is inaccurate, she  
46 was concerned about the populations that will be mixed. The crimes are classified  
47 as minimum, medium, and maximum. Readio stated they are classified by grades,  
48 such as felony A, B, or C.

1  
2 Hoag asked which crimes are considered medium-security. Readio stated  
3 they would include the lower grade felony level offenses.  
4

5 Nelson stated the felony classification doesn't mean anything. The offender  
6 may be arrested for shoplifting, but may have a warrant in another state, making  
7 him a major risk that they wouldn't want to put into a minimum security, just  
8 because he was arrested for a low-risk crime.  
9

10 Hoag stated the arrest warrant in the other state would make that person a  
11 higher risk.  
12

13 Nelson stated the arrest warrant in another state might not be known about.  
14 That is why they evaluate the profile.  
15

16 Hoag stated she is not opposed to profiling. She wants to find out the types  
17 of crimes they are looking at if they are going to move the populations.  
18

19 Dave McEachran, Prosecuting Attorney, stated felonies are three classes: A,  
20 B, or C. Category C is the least serious of the felonies. A felony C would be a  
21 forgery or theft in the second-degree, which is theft of something worth over \$500.  
22 It does not include a crime that involves bodily harm.  
23

24 Hoag questioned whether any crime that involves bodily harm is ever  
25 considered a medium-security risk. McEachran stated it wouldn't. Some assaults  
26 are class C, including assault to an officer. They look at those individuals as  
27 requireing medium- or maximum-security, depending upon the situation. They  
28 have to look at the person's background, criminal history, and the incident he or  
29 she is in for.  
30

31 Hoag asked what other standard criteria areas they look at when they  
32 evaluate whether a person belongs in a minimum-, medium-, or maximum-security  
33 facility. McEachran stated they use the brief test that Readio mentioned. That brief  
34 test will indicate where the person is regarding mental status and a propensity to  
35 violence. They will look at the person's background, ties to the community, and  
36 many factors. They can do that very quickly.  
37

38 Hoag questioned whether that is used currently across the states.  
39 McEachran stated the prison system uses it.  
40

41 Brenner stated there seems to be an element missing regarding a mental  
42 health assessment. The Mental Health Advisory Board says that 80 percent of  
43 incarcerated people have some form of schizophrenia and half are bipolar. That  
44 means a significant, high percentage of the jail or prison population is mentally ill.  
45 The report also talked about an expansion of the drug court. There is no talk about  
46 a mental health court, which is going on in other places. Everyone says prevention  
47 is cheaper than prosecution. That element isn't included. There is no movement  
48 toward prevention and away from incarceration. Readio stated that early

1 identification of mental health functioning isn't something that is currently done. It  
2 is quite an innovation in and of itself.

3  
4 Brenner stated that is not her understanding. Lt. Wendy Jones stated they  
5 do that now. Readio stated the report also recommends expanding treatment to be  
6 available for those housed in the main correctional facility for a significant amount  
7 of time. One recommendation is to create a treatment unit.

8  
9 Brenner stated she wants to see that mentally ill people are not at all in the  
10 criminal justice system. They belong in a mental health setting rather than criminal  
11 justice setting. Readio stated the central intake unit would identify whether the  
12 person is more appropriate for other facilities.

13  
14 Brenner stated nothing in the plan talks about what to do with those people  
15 once they come to that decision.

16  
17 Dawson asked if the advisory group talked about mental health facilities for  
18 these individuals.

19  
20 Brenner stated they talked about it. One of the things is to expand either the  
21 state hospitals or local mental health closed facilities.

22  
23 Dawson stated they have to expand what is available there.

24  
25 Brenner stated there is no emphasis for that in this plan. It is a big part of  
26 the criminal justice system.

27  
28 Kremen stated that what the administration sees in the future is to  
29 incorporate and coordinate what human and mental health services are already  
30 provided. As they look at the new facility, they will have mental health services  
31 onsite and incorporate the services into the system. That is what they envision and  
32 would like to implement. The mental health service is a key component of the  
33 broader issue of crime. The steering committee and Law and Justice Council  
34 believes that they need to treat the mentally ill in the system rather than lock them  
35 up and then let them out.

36  
37 Brenner stated she is hoping for something different. Those who present a  
38 physical danger should stay in the facility. She is talking about those who are not  
39 dangerous. Kremen stated those people are not even going to go into the  
40 minimum/medium-security facility.

41  
42 Nelson stated Councilmember Brenner is confusing two issues. The Regional  
43 Support Network is funding a mental health court program. Whatcom County will  
44 be implementing one of those programs. Development is being done at this time.  
45 The plan does mention the availability of mental health treatment. If one is  
46 arrested, the public wants something done about the issue of the arrest. The  
47 mentally ill person will still need to go through the jail process and go before a

1 judge. His hope is to divert that away from the normal process, put it into a mental  
2 health process. That would come through the mental health court system.

3  
4 Brenner stated she wanted to see that in the plan.

5  
6 Hoag questioned whether the money they voted on in the sales tax increase  
7 was sufficient to cover the recommendations. Also, she questioned why they would  
8 remodel the jail if they are talking about using it for what it was designed for.  
9 Desler stated there is not enough money to implement the recommendations. That  
10 is why the Law and Justice Council is going to be charged with creating  
11 recommendations on funding phases.

12  
13 Readio stated the remodel is just to adjust the booking area to set up  
14 assessment, pre-trial release decision-making, and classification. Right now, the  
15 booking area is broken out to different components in an ungainly fashion. It  
16 physically wouldn't allow them to accommodate some of the expanded functions  
17 they need to have. It is a relatively minor remodel.

18  
19 Kremen stated it is more of a modification.

20  
21 Brenner stated there is no mention of doing efficiency audits. They ought to  
22 do efficiency audits for each department. Readio stated he did not do an efficiency  
23 audit, but looked at workloads, work flows, and adjustments of policy and  
24 procedures.

25  
26 Brenner stated workloads could be brought on by doing more than what is  
27 necessary and loading the system with all kinds of cases, rather than an efficiency  
28 audit. Before they do anything to move ahead, she would like to be more  
29 comfortable that everything is being done as efficiently as possible right now. She  
30 suggested using the County Auditor.

31  
32 Desler stated that they could ask the County's internal auditor to work on it.  
33 They also have a series of recommendations from the consultants that are related  
34 to giving the County better information about its performance. It would assist the  
35 County Council and other County managers.

36  
37 Brenner stated she supported the data part. There are a lot of high priority  
38 things that would benefit from an efficiency audit.

39  
40 Nelson stated the MIS and coordination of communication are identified  
41 efficiency errors. Any time one does an efficiency audit, those types of things will  
42 come up. Regarding whether or not people are efficient, that comes up in a review  
43 of policy and procedures, staffing levels, and rules and regulations. These  
44 consultants have gone through and looked at whether the staffing is adequate. If  
45 they want individual review, the Council can ask the administration to do an audit.  
46 They don't have any way to measure personnel and whether or not they are being  
47 efficient.



1 Hoag questioned integrating the computers. It was explained to the  
2 councilmembers earlier. She understood the benefits to that. She questioned the  
3 risks if the County is integrated and if all the computers in the criminal justice  
4 system go down.

5  
6 George Reid, Information Services Manager, stated that if the County doesn't  
7 have electrical power, the system will not be up and running. However the County  
8 has a back-up generator and can keep things going for some time.

9  
10 Hoag stated she was not talking about electrical power, but computer  
11 breakdown issues. A computer system that is not integrated is less efficient, but it  
12 is also less likely to fail all at once. Reid stated the County is currently protected  
13 with firewall security. If they have to, they can by-pass one system that may have  
14 a problem.

15  
16 Desler stated the administration would develop contingency plans and have  
17 excellent equipment in the County. There is very little down time. The County has  
18 had good experiences.

19  
20 Hoag asked if an integrated system makes the County more vulnerable to  
21 domestic terrorism. Desler stated an integrated system doesn't create any more  
22 fears or require any more precautions than there are now. They will use the same  
23 facility, systems, and wiring as they do now. They shouldn't be overly concerned  
24 about being any more vulnerable than they are now.

25  
26 Reid concurred. If the County is at risk now, it will be at risk then.

27  
28 Brenner asked what backup would be involved. She saw a news  
29 documentary that said there is a higher risk of this happening because people are  
30 becoming completely dependent rather than retaining back up systems. She  
31 questioned what backup systems will remain. Reid stated data backups are done  
32 daily. A full system backup is done monthly. Regarding disaster recovery backup,  
33 they are developing a plan now to find another system that the County can go to  
34 with its backup tapes.

35  
36 Gibb stated he asked Ron Peterson this question. This is one reason the  
37 County extended an invitation to local businesses to advise the County regarding  
38 these questions. They deal with this issue on an ongoing basis. They have a  
39 vested interest in a strong, secure law enforcement system. They are also paying  
40 the big tax load.

41  
42 Kremen stated a high priority item is to expand the continuum of  
43 intermediate sanctions, incarceration, or alternatives. The appendix, page two,  
44 describes what that is about. They are talking about treatment and counseling.  
45 The question posed earlier is addressed in the appendix. They need to get out of  
46 the box and not focus so much on incarceration if an alternative is less expensive  
47 and more effective. Treatment and counseling is an area they need to spend more  
48 attention on.

1  
2 Brenner stated that is great, but for people with schizophrenia and bi-polar  
3 disorder, the issue is about medication. That was her emphasis.

4  
5 Hoag stated she wanted to see satellites.

6  
7 Nelson thanked everyone for their work on this.

8  
9 Valum stated the plan lays out the intention for the continuum of sanctions to  
10 include of what already exists in the community, many of which are provided by  
11 service providers they have all met and worked with in the past. The language is  
12 intentionally not specific. This is a work in progress and will continue to incorporate  
13 providers into the system without making the bureaucracy gigantic. They did have  
14 stakeholders from the communities articulating their ability to become a partner  
15 down the road and to build working systems to access what is already there. That  
16 is covered in appendix A, but it is not specific because they don't want to be limited  
17 by that.

18  
19 Brenner stated she wanted to see the mental health court covered because  
20 drug court was covered. Valum stated that is because there are more concrete,  
21 specific examples of drug court. They are going to do analyses of best practices  
22 elsewhere in the nation. As they identify whether a model will work well in  
23 Whatcom County, they will bring forward the specific model. They are all  
24 concerned about being proactive about how they can prevent and contain criminal  
25 behavior, not just reactive to the problems.

26  
27 Nelson asked if the costs listed in the plan are currently being funded or if  
28 they are new.

29  
30 Kremen stated some are additional and some are a shift in what the County  
31 is already doing to be more effective.

32  
33 Nelson asked for a summary of the differences between what funds they  
34 have now and what new funds are necessary. Kremen suggested that they let the  
35 Law and Justice Council revisit and decide the priorities. They don't know now to  
36 what extent they are going to do each program. They will try to assemble the costs  
37 as best they can.

38  
39 Brenner stated she wanted to see where the criminal justice sales tax money  
40 is going now. She questioned whether the cities are going to help support this.  
41 They received a huge amount of the criminal justice tax.

42  
43 *(Clerk's Note: End of tape one, side B.)*

44  
45 Desler stated the cities will contribute. They have their own tax support from  
46 that criminal justice sales tax. They will be part of the solution. They are going to  
47 be a part of that effort.

1 Brenner stated there are many new positions and services being requested.  
2 She questioned whether this would come only out of the County's tax coffers.  
3 Kremen stated the costs for the people admitted to current and future jail facilities  
4 would be born by the municipality where that criminal came from.  
5

6 Brenner asked how to measure that. Kremen stated the proposal now is to  
7 spread the costs evenly, based on population.  
8

9  
10 **ADJOURN**  
11

12 The meeting adjourned at 2:40 p.m.  
13  
14

15 \_\_\_\_\_  
16 Jill Nixon, Minutes Transcription  
17

18 These minutes were approved by Council on July 25, 2000.  
19

20 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

21  
22  
23  
24  
25 \_\_\_\_\_  
26 Dana Brown-Davis, Council Clerk  
27  
28

\_\_\_\_\_  
Marlene Dawson, Council Chair